

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Application of: James L. Eichler, Jr. et al.
Serial No.: 09/773,850
Filing Date: January 31, 2001
Group Art Unit: 2111
Examiner: Thomas J. Cleary
Title: SYSTEM AND METHOD FOR IDENTIFYING OPEN
PERIPHERAL COMPONENT INTERCONNECT
(PCI) SLOTS

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE
PATENTING REJECTION (37 C.F.R. §1.321 (c)) AND
CERTIFICATE UNDER 37 C.F.R. §3.73 (b)**

I, Cory D. Heith, General Counsel, of Efficient Networks, Inc. (now doing business as Siemens Communications, Inc.), 900 Broken Sound Parkway, Boca Raton, Florida 33486 represent that Efficient Networks, Inc. is the assignee and the exclusive owner of the entire right, title and interest of, in and to application Serial No. 09/773,850, filed on January 31, 2001, for SYSTEM AND METHOD FOR IDENTIFYING OPEN PERIPHERAL COMPONENT INTERCONNECT (PCI) SLOTS, as indicated by the Assignment Records of the U.S. Patent and Trademark Office at Reel 011508, Frames 0653-0656; and certify that to the best of assignee's knowledge and belief, title is in the assignee seeking to take action; and that I am empowered to act on behalf of assignee.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true. Furthermore, I declare that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of

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the United States Code, and that such willful false statements may jeopardize the validity of the Application or any patent issuing thereon.

Efficient Networks, Inc. hereby disclaims the terminal part of any patent granted on the above-identified application, that would extend beyond the expiration date of:

U.S. Patent No. 6,772,252 B1 Issued August 3, 2004;


assigned to and owned by said Efficient Networks, Inc., as indicated by the Assignment Records of the U.S. Patent and Trademark Office at Reel 011527, Frames 0789-0792, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent granted shall be the same as the legal title to United States Patent No. 6,772,252 B1, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successor or assigns.

Petitioner, however, does not disclaim any terminal part of any application allowed or patent granted on the above-identified application prior to the expiration of the full statutory term of the above-referenced U.S. Patent No. 6,772,252 B1, in the event that one or more of the following occurs: U.S. Patent No. 6,772,252 B1 when patent granted expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321(a), has all claims canceled by a reexamination certificate or is otherwise terminated prior to expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

Applicants enclose a check for \$110.00 for filing this Terminal Disclaimer. Although Applicants believe no other fees are due, the Commissioner is hereby authorized to charge any additional fee or credit any overpayment to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

12/7/04
Date


Cory D. Heith
General Counsel

DAL01:828414



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Title: SYSTEM AND METHOD FOR IDENTIFYING OPEN
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SLOTS

Mail Stop Amendment
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Dear Sir:

CERTIFICATE OF MAILING BY EXPRESS MAIL

I hereby certify that the attached Response Pursuant to 37 C.F.R. § 1.111 and Interview Summary (19 pages), Terminal Disclaimer (2 pages), one-month Notification of Extension of Time (1 page), checks in the amounts of \$130.00 and \$130.00, Baker Botts return postcard (1 postcard), and this Certificate of Mailing (1 page) are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on this 10th day of December, 2004, and is addressed to Mail Stop Amendment, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

Willie Jiles

Willie Jiles

Express Mail Receipt
No. EV473955574US